

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

CHAD BARRY BARNES,

Appellant,

v.

KRISTIN KIMO HENRY,

Appellee.

Case No. 19-cv-00212-DKW-RT

Bankr. No. 14-01475

CHAD BARRY BARNES,

Appellant,

v.

KRISTIN KIMO HENRY,

Appellee.

Case No. 19-cv-00213-DKW-RT

Bankr. No. 14-01475

CHAD BARRY BARNES,

Appellant,

v.

SEA HAWAII RAFTING, LLC,

Appellee.

Case No. 19-cv-00215-DKW-RT

Bankr. No. 14-01520

ORDER CONSOLIDATING CASES AND SETTING BRIEFING
SCHEDULE

On April 24, 2019, Chad Barry Barnes (Appellant) filed a notice of appeal, appealing an order of the U.S. Bankruptcy Court denying Appellant's motion to stay discharge and lift protective order in the bankruptcy proceeding of Kristin Kimo Henry (Henry) ("the First Henry Bankruptcy Appeal"). On the same day, Appellant filed a notice of appeal, appealing an order of the Bankruptcy Court denying the exact same motion filed in the bankruptcy proceeding of Sea Hawaii Rafting, LLC (SHR and, with Henry, "Appellees") ("the SHR Bankruptcy Appeal"). Also on the same day, Appellant filed a notice of appeal, appealing the order of discharge entered in Henry's bankruptcy proceeding ("the Second Henry Bankruptcy Appeal" and, with the SHR and First Henry Bankruptcy Appeals, "the Bankruptcy Appeals").

Because the orders being appealed in the Bankruptcy Appeals involve common questions of law and fact, and because consolidation will produce savings in time and effort, while causing no inconvenience, delay, or expense, the Court consolidates the Bankruptcy Appeals going forward. *See Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984) (explaining that a court should weigh "the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause."). Accordingly, the Clerk is instructed to

consolidate Case No. 19-cv-212-DKW-RT, Case No. 19-cv-213-DKW-RT, and Case No. 19-cv-215-DKW-RT under the **19-cv-212-DKW-RT** case number. All future filings for the Bankruptcy Appeals shall be made in Case No. 19-cv-212-DKW-RT.

Finally, the Court notes that certificates of readiness have been entered in all of the Bankruptcy Appeals. As a result, the Court sets the following briefing schedule:


- 1) Appellant's Opening Brief due: August 9, 2019.
- 2) Appellees' Response Brief due: September 9, 2019.
- 3) Appellant's Reply Brief, if any, due: September 20, 2019.

So it is clear, at a bare minimum, Appellant's Opening Brief must clearly identify the issue or issues being appealed, clearly explain how the Bankruptcy Court purportedly erred with respect to the issue, and provide legal support for the Bankruptcy Court's purported error. Appellant's failure to do any of the foregoing may result in dismissal of the Bankruptcy Appeals.

IT IS SO ORDERED.

Dated: July 10, 2019 at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge